IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 26126 of 2003

Between:

K.S.Ch.S.V.J.Nageswara Rao,S/o Vajjappa, Gopalapatnam Primary Agricultural Coop. Credit Society Ltd., Gopalapatnam, Thondangi Mandal, East Godavari District.

.... PETITIONER

AND

1 The Government of Andhra Pradesh, Cooperation Department rep.by its

Secretary, Secretariat, Hyderabad.
2 The District Coop.Central Bank Ltd. rep.by its General Manager, Kakinada, East Godavari District.
3 The District Coop.Officer, Kakinada, East Godavari District.
4 The Divisional Coop.Officer, Peddapuram, East Godavari District.
5 Srungavruksham Primary Agricultural CooperativeCredit Society Limited,

Srungavruksham,Thondangi Mandal, East Godavari District, rep.by its Person-in-Charge.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or Order or direction, more particularly one in the nature of Writ of Mandamus declaring the action of the respondents No.2 and 3 in not paying the arrears of salary as illegal, arbitrary and consequently direct the respondents No.2 and 3 to pay arrears of salaries of Rs.40,095/- payable to the petitioner from 01-09-1997 of 04-07-1998 along with interest

Counsel for the Petitioner: MR.V.AJAYAKUMAR

Counsel for the Respondents 1, 3 and 4: GP FOR COOPERATION

Counsel for the Respondent No.2: MR.C.V.MOHAN REDDY

The Court made the following order:

ORDER:

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The petitioner submits that presently he is working in the Gopalapatnam Primary Agricultural Cooperative Society Limited, Thondangi Mandal, East Godavari District. Previously, he worked in the 5th respondent society, but the said society vide its resolution dated 20.08.1997 surrendered his services to the respondents 2 to 4 and he was relieved on 31.08.1997. The petitioner was allotted to the Gopalapatnam PACS and working there from 04.07.1998. As there was a delay in allotting the petitioner, in the interregnum neither the 5th respondent society nor the Gopalapatnam PACS paid salary to the petitioner for the period from 01.09.1997 to 04.07.1998. Therefore, he filed WP No.15756 of 1998 for directing the concerned cooperative society to pay salaries for the said period from 01.09.1997 to 04.07.1998. The said WPNo.15756 of 1998 was disposed of by this Court on 09.07.1998 directing the second respondent herein to consider the case of the petitioner and pass appropriate orders on the representation of the petitioner at an early date. Accordingly, as per the orders passed by the High Court the second respondent transferred the petitioner from the 5th respondent society to Gopalapatnam PACS, but the salary was not paid to him by the 5th respondent society. Therefore, it is the case of the petitioner that the 5th respondent society has a legal obligation to pay salaries.

The 5th respondent society submits that it has no objection to fix the salaries under provisions of Section 116-C of the Andhra Pradesh Cooperative Societies Act and pay salary for the said interregnum period as the petitioner cannot be made to suffer for no fault of his.

In view of the peculiar facts and circumstances of the case and in view of the aforesaid direction of this Court the 5th respondent society is directed to pay salary payable to the petitioner for the period from 01.09.1997 to 04.07.1998 in accordance with the provisions of Section 116-C (1) within eight weeks from the date of receipt of a copy of this order.

Accordingly, the writ petition is allowed. No costs.

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(V. ESWARAIAH, J)

September 7, 2004

Dsk/kvrm

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this

Tuesday the Seventh day of September, Two Thousand and Four.

To

1 The Government of Andhra Pradesh, Cooperation Department rep.by its

Secretary, Secretariat, Hyderabad.

2 The District Coop.Central Bank Ltd. rep.by its General Manager, Kakinada, East Godavari District.

3 The District Coop.Officer, Kakinada, East Godavari District.

4 The Divisional Coop.Officer, Peddapuram, East Godavari District.

5 Two CCs to GP for Cooperation, High Court Buildings, Hyderabad (OUT).

6 Two CD Copies.